

REMARKS

The Examiner has rejected Claims 1, 5, 13-15 as being obvious over Darby in view of Pepe in view of Paleiov in view Roeder and in view of Irizarry.

The Examiner states that Darby teaches a handheld wireless device comprising a phone with internet access and video where the device is connected to a host computer, and being password protected. Darby's primary teaching is the device connected to a call center. The Examiner states that Darby lacks teaching of forwarding e-mails to the mobile device. The Examiner states that Pepe teaches transferring e-mails from a home account to a wireless device. The Examiner states that because Pepe states that this is advantageous for users to receive e-mails that therefore it would be obvious to combine.

Since Darby does not teach anything about e-mails, why would receiving e-mails be advantageous to the device of Darby. In order for the references to be combined, there has to be some teaching in Darby regarding emails, otherwise, why would it be advantageous. This goes against the rulings of the Federal Circuit about what is needed to combine references.

The Examiner further states that Darby does not teach a device including a stylus. The Examiner states Paleiov teaches the customizable keys and that this provides better graphic applications.

Nowhere does Darby state that anything regarding customizable keys would be advantageous to its invention or the problem that is

taught by Darby. Therefore, just because Paleiov teaches that customizable keys make more efficient services, does not mean that Darby sees this as a problem or would combine such teachings. Since Darby does not teach touch sensitive keys there is no using to use the stylus taught by Paleiov.

Again the Examiner uses a reference which teaches a single element of the claim, and then without showing how this element can be combined with Darby, or why it would be combined with Darby, just combines the references.

Darby does not teach that the device is waterproof, nor does he state that this is the problem the invention is teaching. The Examiner states that Irizarry teaches a waterproof case, not that the device is waterproof, which is what is claimed. Therefore, the combination with Irizarry still does not teach this element of the claims.

The claims of the invention specifically state that the device is waterproof, not the case. If Darby had a case, he could not use a stylus, and could not use touch sensitive keys, because they would not work, if a case surrounded the device. The Examiner keeps repeating this rejection, and Irizarry cannot be combined with the above references and have the device work.

The Examiner then combines Darby with Roeder, because the Examiner states that Darby does not teach transferring calls of a guest from a room phone to a device.

Since Darby relates to a call center, there would be no need to transfer calls of a guest from a room phone to the device. It would make no sense to add this feature to the device of Darby. It is almost like saying if one patent relates to a car and one patent relates to a plane, we can put wings on a car.

Paleiov teaches a telephone communication unit which is not mobile. Darby does not teach graphic applications. Darby does not teach a pressure sensitive region suitable for a stylus. Since Darby relates only to call centers, there is no reason to transfer a call to a guest room to the device of Darby.

For all of the above reasons, the above claims are not obvious over the prior art.

The Examiner has rejected Claim 3 as being obvious over Darby in view of Pepe in view of Paleiov in view of Roeder in view of Irizarry and in view of Schaffer. The Examiner states that all of these devices do not teach a pager other than Schaffer. The Examiner states it would have been obvious to combine the prior art with Schaffer to include a pager in order to provide mobile communication at lower cost and lower power consumption.

Since Darby only deals with call centers there is no reason to add a paging device. Further, some of the prior art references deal with mobile phones versus stationary phones which deal with different problems. Since the devices deal with different art, it is impossible to combine all of the different references into one single argument.

For all of these reasons, Claim 3 is not obvious over the prior art.

The Examiner has rejected Claims 7 and 8 as being obvious over Darby in view of Pepe, Paleiov, Roeder, Irizarry and Hase. Hase teaches a handheld device with a ID card functioning as an access code to the device. The above prior art references do not teach this feature. The Examiner states it would be obvious to include a storage area for a user's room key as taught by Hase.

The above references in combination would teach away from adding the teachings of Hase. Since Irizarry teaches a case for the device, one of skill in the art could not add the ID card holder of Hase. These two references cannot be combined. How can you have both? Further, Darby specifically mentions ways to access its device, none of which include the teachings of Hase, which include a room key. Applicant has repeated this argument, since the Examiner repeats the rejection without discussing applicant's argument.

Therefore, Claims 7 and 8 are not obvious over the prior art.

The Examiner has rejected Claim 9 as being obvious over Darby in view of Pepe, Paleiov, Roeder, Irizarry, and Haraguchi. The Examiner states that none

of the prior art references other than Haraguchi teaches a wireless telephone unit with a rechargeable battery. This rechargeable battery would lower the cost of the unit.

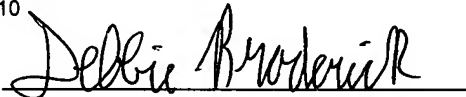
Since some of the prior art references teach a stationary unit, the combination of references for a stationary unit and a wireless telephone are not combinable.

For these reasons, Claim 9 is not obvious over the prior art.

Applicant believes that the application is now in condition for allowance.

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